

1897-01 Chancery Causes: C. E. Burgan vs Ella R. Burgan
Lee Co

Farmer, Bolin, Thompson, Geary

CA-Divorce

T-Vices

Orr & Blankenship, Attorneys and Counselors at Law, Jonesville, Va.
Virginia,

In the Circuit Court of Lee County.

To the Honorable W. T. Miller, Judge of said Court:-

-----Humbly complaining, your orator, C. E. Burgan, would respectfully represent and shew unto your Honor that on the ____ day of ____ 189____, he was married to ~~xxx~~ Ella R. Burgan, nee Ella R. Farmer, who is now his wife, and with whom he lived for a few months when she abandoned him and went to the state of Kentucky, where she now resides. Your orator did all that he could to make his said wife happy and contented and was faithful to his marriage vows, but his said wife was unfaithful to him and was guilty of the crime of adultery, much to his sorrow and surprise. Your orator alleges that his said wife committed the said acts of adultery without his consent, procurement or connivance, and he further alleges that the same was committed within five years of the institution of this suit. And he also alleges that since the said acts of adultery came to his knowledge he has not lived with or cohabited with his said wife, and that he has been and is now a citizen of this county and state for more than twelve months next preceeding the bringing of this suit. The object therefore of this bill is to obtain a ~~xxx~~ divorce from the bonds of matrimony now existing between him and his said wife. To this end he makes the said Ella R. Burgan the party defendant to this bill and ~~xxx~~ asks that she be ~~xxxx~~ required to answer the same, but not on oath, that being waived. And upon a hearing a decree be pronounced granting him a divorce from the said bonds of matrimony. And that he be granted general relief. -----May process issue, directed, etc., and may order of publication be made posted and published, etc., as the law directs. And your orator will ever, pray, etc.

C. E. Burgan P.Q.

10 + B.

L. E. Burgan.

Bill in Chy.

Elba R Burgan

1897 1st January rules 3 pa
noted & Contd for O.P.
" 2nd Jan'y rules O.P.
Completed & Cause
Set for hearing

March Term 1897

Decree final see Chy
Order Book 4 Page 579

Plffs Costs

C	5.11
Tax	1.80
atty	15.00
J.P.	2.25
Costs	1.50
Printer	5.00
	<u>\$30.36</u>

CLERK'S RECEIPT.

No. 47

SUITS.

Plaintiff *to E Burgen*

Defendant *Ella R Burgen*

Date *December 16th 1896*

Amount of tax, - - - - \$ *1.80*

Common law

Chancery *Chy*

Received (date) *December 16th 1896*

A B Munsey Clerk.

C. E. Burgan, Plaintiff.*

Against (In Chancery.

Ella R. Burgan, Defendant.

This cause, in which the Plaintiff appears to have proceeded against the Defendant, who is a non-resident, in the mode prescribed by law against absent defendants, and she still failing to appear, plead or answer, came on this day to be heard upon the bill of the Plaintiff and depositions of witnesses, and was argued by counsel for the Plaintiff: On consideration whereof it is adjudged, ordered and decreed that the bonds of matrimony heretofore contracted and existing between the Plaintiff and Defendant be, and the same are hereby dissolved and annulled, ^{and} a divorce a vinculo matrimonii is hereby granted both parties, and that the Plaintiff recover from the Defendant his costs.* And this cause is stricken from the docket.

L. E. Bungan
or Deere Final
Ella R Bungan

Eu. COB p. 579.

Enter this Deere
W F M
Mar 4 1897.

R. L. Bolin

-----The deposition of C. E. Borgan, taken at the office of Orr & Blankenship in the town of Jonesville, Lee County, Virginia, on this the 27th day of February 1897, before me, H. C. Joslyn, a Justice of the Peace in and for the County of Lee, in the State of Virginia, to be read as evidence on behalf of the Plaintiff in a Chancery cause now pending in the Circuit Court of Lee County, Virginia, wherein C. E. Borgan is Plaintiff and Ella R. Borgan is Defendant, and in which an Order of Publication has been duly published and posted as the law requires against said Defendant.

Present: Orr & Blankenship, Counsel for Plaintiff.

C. E. Borgan, a witness of lawful age, being first duly sworn, deposes and says:

Ques. 1. State your age, occupation and place of residence, and whether or not you are the Plaintiff to this suit.

Ans. My age is 22 years, occupation a farmer, reside near Jonesville, Lee County, Virginia, and I am the Plaintiff to this suit.

Ques. 2. State when and where you were married to the said Ella R. Borgan, nee Farmer, and how long you lived with her as your wife?

Ans. We were married in the State of Tennessee, about one year ago, and lived together about one month after we were married. We went to Tennessee to marry on account of the opposition of my parents to my marrying the said Ella R. Farmer.

Ques. 3. State whether or not after you were married to your said wife you ever seen any unbecoming conduct out of her, if so, state all about it?

Ans. About one month after we were married I saw her and an other man going along the road, and leave the road and go in the woods together. There was no one with them. They stayed in the woods about one-half an hour. She had a desire and inclination to associate with other men, and did not seem to be satisfied at home. Shortly after we were married I found that she was a reckless, loud and vulgar woman, and frequently talked of other men.

Ques. 4. Did you ever cohabit with your said wife after you saw her in the woods with the man as detailed above by you, if not why not?

Ans. I did not cohabit with her after I seen the transaction above detailed by me, and for the reason I believed she was a woman of bad character and had no regard for her marital vows and obligations.

Ques. 3. State whether or not you was kind and attentive to your said wife and treated in that way ?

Ans. I was as kind and good to her as I could be and never gave her any cause to treat me as she did.

Ques. 6 State ~~whether~~ whether or not the unbecoming acts and conduct of your said wife was committed without your procurement, connivance, knowledge and consent ?

Ans. Her conduct was entirely without my procurement, connivance, knowledge and consent, and greatly ^{against} ~~to~~ my wishes, ~~and~~ desires and regret.

Ques. 7. State where she is now, if you know ?

Ans. She is living in Harlan County, Kentucky, ~~as~~ as I understand with another man.

Ques. 8. State how long you have been a citizen of this county and State ?

Ans. All my life. I was born and raised here, and have never been out of the County except for a day or so at a time.

Ques. 9. Were you faithful to your marriage vows with your said wife, and did you do all you could to make her happy and contented ?

Ans. I was strictly faithful to my marriage vows with my said wife and did all in my power to make her happy and contented.

And further this deponent saith not.

C. E. Burgan
Jurat

R. L. Boliñ, another witness of lawful age, being duly sworn deposes as follows:

Ques. 1. State your age, occupation and place of residence ?

Ans. My age is 23 years, occupation Editor of the Lee County Republican, and reside near Jonesville, Lee County, Virginia.

Ques. 2. State whether or not you are acquainted with the Plaintiff to this suit, and if you answer you are, state how long you have known him, and how long he has been a resident of this County and State ?

Ans. I am acquainted with Mr. C. E. Burgan, the Plaintiff to this suit

and have known him for seven or eight years, and he has been a resident of this County and State ever since I have known him.

Ques. 2. Are you acquainted with his character, if so, state what you may know about it ?

Ans. I am well acquainted with him, and he has the reputation of being an honorable, truthful, law abiding and upright young man.

And firther this deponent saith not.

R. L. Bolin

Virginia, Lee County, to-wit:

I, H. C. Joslyn, a Justice of the Peace in and for the County and State aforesaid, do hereby certify that the foregoing depositions of C. E. Burgan and R. L. Bolin were duly taken before me, sworn to and subscribed in my presence, at the time and place and for the purposes mentioned in the caption of the same. Given under my hand, this the 27th day of February 1897.

H. C. Joslyn, J. P.

C. E. Burgon
vs. 3 2^d cher
Lilla R. Burgon

The depositions
of C. E. Burgon &
R. L. Bolin

Received from H. C. Joslyn
the J.P. before whom taken
and filed Feby 27th 1897
A. B. Munsey Clerk

J. P. Lee 75

The depositions of John L. Thompson W. J. Burgan and W. J. Pyear taken at the office of Orr & Blankenship in Jonesville Va. on the 15th day of Feb' 1897. to be read as evidence in a Chancery Cause now pending in the Circuit Court of Lee County Va. in which C. E. Burgan is plaintiff and Ella R. Burgan is defendant, and in which an order of publication has been made against the defendant.

The said John L. Thompson being a witness of lawful age and being duly sworn deposes and says, in presence of James W. Orr of Counsel for the plaintiff and no one for defendant, Thus by plaintiff's Counsel.

What is your age, residence and occupation?

Ans. I am going on Thirty years of age. I live at Hubbard Springs Lee Co Va., I am a Farmer.

Ques 2. Are you acquainted with C. E. Burgan and Ella R. Burgan the parties to this suit, and if so, how long have you known them?

Ans. I am acquainted with both the parties to this suit. I have known them two or three years, and I have known her a little longer than that.

Ques 3. Did they, or either of them, ever live in your neighborhood, or where did you know them?

Ans. She lived in my neighborhood before she and Burgin were married, and for a while afterwards. I think they

They were married sometime last
Spring

Ques 4. Did you ever see any acts of lewdness or adultery by
the said Ella R Burge after their marriage, and if so
state what they were and when and who with, tell
all about it?

Ans I saw her in Yearys mill one day
with her arms around George Burge.
They were pinching and fondling each
other. This was after they were married.
it was in Sept or Oct 1896. I also
saw her and Geo Burge in the
fodder field where she was gathering
fodder. They were cutting tops when
I first saw them. They then went
to an apple tree out of my sight in
the field. I then went down where
they were at, and I asked them
what they sent that boy to the Spring
so much for. They had a boy with
them. They just laughed and said
they wanted a drink. The limbs of
the apple tree hung down close
to the ground, and the tree stood
in the field where they were at work.

Ques 5. From the appearance and conduct of these two people
what impression did they make on your mind as to
what their conduct with each other was?

Ans I thought they had been engaged in
the act of adultery. I accused them
of it and they neither one denied it.

Ques 6 State, if you know, what kind of treatment the plaintiff gave his wife, the said Ella R. while they lived together?

Ans. He always seemed to treat her kindly when I was about them.

Ques 7. State, if you know, whether her acts of adultery, or misconduct you have detailed, were by his consent or connivance?

Ans. If he gave his consent to this conduct I never knew it. and he was not present on either of the occasions I have spoken of. She has the reputation of being a bad woman. She is now living at Harlan C.H. Ky. as I am informed. She came from Harlan Co. Ky. to Lee County Va. before they were married, and my information is that she left Mr Burgin some time last summer and went back to Harlan Co Ky, and has been there ever since.

And further This deponent doth not.
Witness Cloius 1 day 50 John. I. Thompson
Paid by Plff.

W. J. Burgan, another witness of lawful age and being sworn deposes and says.

Ques 1. Where do you live and what is your age & occupation?

Ans. Harbards Springs, going ^{on} 23 yrs, & a farmer.

Ques 2. Are you acquainted with the parties to this suit, and if so how long have you known them?

Ans. Am acquainted with them, and have known her since

before they were married, and him not so long.
Ques 3. Do you know of any acts of adultery by her, if so when and where?
Ans. I do not.

Ques 4 Do you know of any lewd or improper conduct by her that indicated to your mind that she was not a virtuous woman?

Ans. I have heard her use bad language several times, to men

Ques 5 What was her reputation in the neighborhood for virtue?

Ans. She was generally spoken of, as not being a virtuous woman.

Ques 6 Do you remember the time, or about the time she left the plaintiff and returned to Ky. if so when was it?

Ans. She left along last summer. I don't remember the month, I think they were married in the spring.

Ques 7 Did you ever see George Burgan & her together, if so where and how often?

Ans. I have seen them together, at her sister's house. I saw them two or three times together.

Ques 8 Did they or not seem to be on intimate terms of friendship and sociability, and was after her marriage to the plaintiff?

Ans. They did, and this was after her marriage to the Plaintiff.

Ques 9 Where is the said George Burgan now, and is he the same George Burgan spoken of by John L. Thompson in his deposition?

Ans. I understand he lives at Pineville

Kentucky, he is the same George Burgin, that is referred to in the deposition of John L. Thompson.

And further this deponent with not.
Witness claims W. T. ^{Miss} ~~X~~ Burgan
Mark

1 day .50 ct

Paid by Off.

W. J. Yeary another witness of lawful age and being duly sworn deposes and says.

Ques 1 Are you acquainted with the parties to this suit and if so how long have you known them?

Ans. I am acquainted with both the parties to this suit, I have known him since about the time they were married, which I believe was last Spring, I have known Ella R. Burgan about two years, I live near Hubbard Springs Lee Co Va.

Ques 2 Have you known of any lewd or adulterous conduct upon her part, if so when & where?

Ans. I have known her to have vulgar and blackguardish talk, I don't know of my own knowledge of any other bad conduct, but I have heard that she was a mean woman that was the general talk.

Ques 3 Do you know of George Burgan visiting her after her marriage to the plaintiff, if so when & where and how often?

Ans I believe I saw him with her once or twice after they were married, I saw him with her at Yeary's mill

Ques 4 Did you observe any conduct between them, that indicated an intimacy or fondness for each other unbecoming a married woman with a single man?

Ans. I went to the mill, and found them sitting close together, on a work bench. I did not hear them talk any. I got my term and went out. I heard her say she did not intend to live ^{the rest} with ~~him~~. that she did not like him or something like that. The last I heard from her she was living in Harlan Town Kentucky. During the time they lived together he treated her kind and right, and she had no grounds for treating him the way she did.

And further this deponent doth not.
Witness claims 1 day, 50 W. J. ^{his} ~~in~~ Yeary

Virginia Lee County Court.

H. Henry C. Joslyn a Justice of the Peace for said County. do hereby Certify that the foregoing depositions of John L. Thompson, W. J. Burgeon and W. J. Yeary. were duly taken Subscribed and sworn to before me, at the time and place mentioned in the Caption of the same, given under my hand this 13th day of February 1897.

H. C. Joslyn - J. P.

C. E. Burgan
vs. J. L. Chey
Ella R. Burgan

The deposition
of J. L. Thompson
W. T. Burgan &
W. J. Geary

Received from H. C. Jocelyn
the J. P. before whom taken
and filed February 13th 1897
A. B. Munsey Clerk

Costs J. P. Paid by 1.50
Def.
Witnesses
Pd. by Plff. 1.50

In the Clerk's Office of the Circuit Court of the County of
Lee on the 16th day of December 1896

C. E. Borgan Plaintiff
against

In Chancery

Ella R Borgan Defendant.

The object of this suit is to obtain a decree dissolving the bonds
of Matrimony heretofore existing between the plaintiff
and the defendant.

And an affidavit having been made and filed that the defendant Ella R Borgan is

^anot resident of the State of Virginia, it is ordered that She do appear here, within fifteen days
after due publication hereof, and do what may be necessary to protect ~~her~~ ^{her} interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Lee County
Republican and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Orr + Blankenship p. q.

A. B. Munsey Clerk.

C. E. Burgan

VS.

ORDER
OF
PUBLICATION.

Ella R. Burgan

Virginia Lee County to wit
J. A. B. Munnay Clerk of the
Circuit Court for said
County do hereby Certify
that I posted a copy of
the within order of Pub
at the front door of the
Court House on the 1st
day of the January term
of the County Court of
Lee County, this the 1st
day of Feb'y 1897
J. A. B. Munnay Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

W. E. Burgin
against

Plaintiff

} In Chancery

Ella R Burgin

Defendant

This day W. E. Burgin personally appeared
before me. A. B. Mursey Clerk of the said Court
and being duly sworn, made oath that Ella R Burgin

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand has Clerk of the said Court, this 16th day of December

1896

A B Mursey Clerk

L. E. Burgar

vs. } AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Ella R. Burgar

Orr + Blankenship
p. 7.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon

Cella R. Burgan

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *February*, 189*6*, to answer a
bill in Chancery, exhibited against *her* in our said court by

Cella R. Burgan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *16th* day of *December* 189*6*, and in the
12*1st* year of the Commonwealth.

A. B. Munsey Clerk.

Copy

Teste A. B. Munsey Clerk

vs. { SUPCENA.
IN CHANCERY.

..... *p.* *q.*

To.....*Rules.*

CIRCUIT COURT.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon

Ella R Burgan

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *February*, 189*6*, to answer a
bill in Chancery, exhibited against *her* in our said court by

C. E. Burgan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *16th* day of *December*, 189*6*, and in the
12*1st* year of the Commonwealth.

A. B. Munsey Clerk.

L. E. Burgan

SUPREMA.

vs. }

IN CHANCERY.

Ella R. Burgan

Orr & Blankenship p. q.

To 1st February Rules.

CIRCUIT COURT.

Not Executed not
found Ella Burgan
is not a resident
of this State this
February 1st 1897
W. P. Weston S. L. C.

-----Certificate of Order of Publication.-----

-----I, Robert L. Bolin, Editor of the " Lee County Republican, " a weekly newspaper published at Jonesville, Lee County, Virginia, do hereby certify that the annexed Order of Publication was duly published in said paper once a week for four ~~weeks~~ successive weeks, commencing on the 18th day of December 1896.

R. L. Bolin

Editor, " Lee County Republican."

VIRGINIA:--In the Clerk's office of the Circuit Court of the county of Lee on the 18th day of Dec. 1896.
J. E. Borgan Plff.
 against
Ella R. Borgan Def.
The object of this suit is to obtain a decree dissolving the bonds of matrimony heretofore existing between the plaintiff and the defendant.
And an affidavit having been made and filed that the defendant Ella R. Borgan is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican and that a copy be posted at the front door of the court house of this county on the first day of the next term of the county court.
A copy--Teste:
A. B. MUNNERY Clerk
ORR & BLANKENSHIP p. q. 1-2 4t

C. E. Burgeon

vs. } In Chy.

Ella B. Burgeon.

Certificate of
Order of Publication.

Editor's fee \$5.⁰⁰.
//

10 + R.

C. E. Burgan
vs Bill in Chy.

Ella R Burgan

1897. 1st January rules & pa not
executed & Contd for O.P.
" 2nd Jan Rules O.P. Complete
& Cause set for hearing

March term 1897 Decree
final See Order Book 4.
Page 5:19

Plffs Costs

C	\$ 11
Tax	1.50 Pd
Atty	15.00
J.P.	2.25 Pd
Wits	1.50
Printer	5.00
	<u>\$30.36</u>

1890 to 1900
B.